

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

IVAN WILLIAMS,

Plaintiff,

v.

BIRDSONG, *et al.*,

Defendants.

Case No. 3:22-cv-00267-ART-CSD

ORDER ADOPTING REPORT AND  
RECOMMENDATION (ECF No. 30)

*Pro se* Plaintiff Ivan Williams (“Williams”) brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 30), recommending this action be dismissed without prejudice. Plaintiff had until February 21, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss the case without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

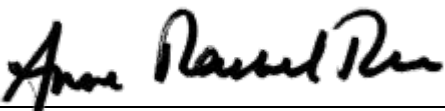
1 Because there is no objection, the Court need not conduct de novo review,  
2 and is satisfied Judge Denney did not clearly err. Here, Judge Denney  
3 recommends dismissing the case without prejudice because Williams has not  
4 filed an updated address with the Court in compliance with Local Rule IA-3-1,  
5 nor has he otherwise indicated an intent to prosecute the present action. (ECF  
6 No. 30 at 2). The Court agrees with Judge Denney. A failure to comply with Local  
7 Rule IA 3-1 allows for the dismissal of the action, and the factors under Federal  
8 Rule of Civil Procedure 41(b) further counsel dismissal in this instance. Having  
9 reviewed the R&R and the record in this case, the Court will adopt the R&R in  
10 full.

11 It is therefore ordered that Judge Denney's Report and Recommendation  
12 (ECF No. 30) is accepted and adopted in full.

13 It is further ordered that this action is dismissed without prejudice.

14 The Clerk of Court is respectfully directed to close this case.

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16 DATED THIS 3rd Day of April 2023.

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19 ANNE R. TRAUM  
20 UNITED STATES DISTRICT JUDGE  
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